

**REMARKS/ARGUMENTS**

The present application contains claims 1-13, 18 and 19. Claims 4 and 13 have been amended. The amendments to claims 4 and 13 find full support in the amended specification at paragraph [0051], page 9. No new matter has been added.

Claims 14-17 have been canceled without prejudice to expedite the prosecution of the present application.

Making reference to the non-Final Office Action Summary, it is noted that the present action is responsive to a communication filed April 27, 2007. It is submitted that the present response, together with a Request for a One-Month Extension of Time, has been timely filed.

The rejection of claims 1-13, 18 and 19 are dealt with below in detail.

The acknowledgement of the claim for foreign priority and receipt of all of the certified copies are duly noted.

Making reference to the Detailed Action, it is noted that the rejection of claims 1-13, 18 and 19 set forth in the prior Office Action has been withdrawn.

Claims 1, 3-5, 7-9, 11-13, 18 and 19 have been rejected under 35 U.S.C. §102(e) as anticipated by Masahide Hirasawa, (U.S. Patent No. 6,980,233) (hereinafter, "Hirasawa"). This rejection is respectfully traversed.

The present invention, as claimed in claim 1, has the following effects (referring to paragraphs [0065] and [0066] of U.S. Publication Application No.

2004/0223057).

(a) The photographing mode in which the digital camera serves as the master or the other photographing mode in which the PC serves as the master can be set on the side of the PC as the user desires. Accordingly, it is possible to take a picture in various situations, such as: (1) the user may operate the PC to remotely control the digital camera to photograph; (2) the user as a main photographer may enable an assistant photographer to photograph with the digital camera while giving directions to the assistant photographer from the PC; and (3) the main photographer may photograph with the digital camera.

(b) At the start of the image pickup program on the PC, the PC first reads the photographing conditions of the digital camera. Consequently, whether the setting is proper is checked, the setting may be changed as necessary, and after that, photographing can be started. Thus, the operability is improved based on the combination of camera and PC arranged in the manner set forth in claim 1.

On the other hand, p. 4, lines 7-17 of the Office Action sets forth: "...a selector configured to select between a first photographing mode in which the camera serves as a master to photograph and a second photographing mode in which the external apparatus serves as the master and controls the camera to photograph (*Fig. 22 shows the process for a camera up to a mode setting operation, which happens on the computer side as described in Col. 7, lines 9-10. In Fig. 22, at*

*Step S510 when the computer is connected if the mode setting program is activated from the computer side, Fig. 21, S505, then the computer takes control. In contrast, when the mode setting program is not activated by the computer side, then the flow points back to S507 which is ordinary camera operation, where the cameras is the master. Therefore, the activation of the mode setting program acts as the claimed selector).*"

However, as is apparent from the recitation of claim 1, the "selector" is part of the **external apparatus**. In contrast, Fig. 22 of Hirasawa is limited to teaching the control flow on the video camera 2600 side, and therefore it is not proper to compare Fig. 22 with the present invention in an attempt to point out similarities therebetween. It is submitted that Fig. 21 of Hirasawa illustrates the operational flow of the external apparatus (PC), and therefore Fig. 21 must be used as the basis for comparison with the present invention, if such comparison is to be made.

Regarding Fig. 21 of Hirasawa showing the operational flow of the external apparatus (PC), col. 21, lines 31-40 states: "If it is judged at Step S503 that the video camera 2600 to be controlled is not connected, the routine returns to Step S502. If it is judged that the video camera 2600 to be controlled is connected, it is judged at Step S504 whether the video camera 2600 is ready for reception of a mode setting command from PC 103. This ready state for reception of the mode setting command corresponds to a manual setting mode or the like, as different from the

tape reproduction mode of the video camera 2600, i.e., a camera mode, and other various auto modes."

More specifically, when the Hirasawa camera is in the manual setting mode, a mode is entered where the PC serves as a master to control the camera. When the camera is in the auto mode, the PC cannot control the camera for photographing. It is thus clear that the mode setting **on the camera side** determines whether the camera serves as a master to control the camera, or the external apparatus (computer) serves as the master control the camera. In other words, in Hirasawa, it is the **camera side** where the selection unit is provided for switching between the mode where the camera serves as the master to control the camera, and the mode where the external apparatus (computer) serves as the master to control the camera.

In contrast, in the present invention, the above-mentioned selected operation is obtained through selection by the **external apparatus**, irrespective of the setting state of the photographing mode of the camera. This unique arrangement results in greater freedom of photographing when the external apparatus operates the camera for photographing. The teaching of Hirasawa is no greater in scope than the prior art described in "2. Description of Related Art," set forth in paragraphs [0007] and [0008], page 1 of the present specification.

Accordingly, Hirasawa does not teach "a selector configured to select between

a first photographing mode in which the camera serves as a master to photograph and a second photographing mode in which the external apparatus serves as the master and controls the camera to photograph," which is the constitution of the embodiment of claim 1.

Page 4, lines 17-22 of the Office Action reads as follows: "...and a controller configured to set the second photographing mode just after a start of camera control through the external apparatus (*In Fig. 22, in step S511 if from the computer side, the mode setting program is activated, then the computer takes control of the camera which is the second photographing mode where the external apparatus serves as a master as described in Col. 22, lines 3-14*)."

It is important to note, as set forth above, when the camera is in the manual setting mode, a mode is entered where the PC serves as the master to control the camera. Therefore, Hirasawa does not have "a controller configured to set the second photographing mode just after a start of camera control through the external apparatus." as set forth in claim 1.

Page 4, line 22 to page 5, line 8 of the Office Action further states: "...read photographing information set in the camera into the external apparatus (*While the system is in the second photographing mode, photographing information from the camera is read into the computer. In Col. 25, Lines 8-11, from the computer side, the user can change the standard setting state of the video camera. This can only*

*happen if the image containing photographing information such as hue and color density in Fig. 32 is read in from the camera. In Fig. 32, the cursor on the hue scale is originally at a certain point corresponding to original information from the camera before the user adjusts it, therefore the computer reads photographing information set in the camera in the second photographing mode).*"

Hirasawa does not teach or even suggest that photographing information set on the camera side is read into the external apparatus (PC). Step S547 in Fig. 30 of Hirasawa is limited to changing the setting of the video camera 2600 from the standard setting state in accordance with a personal preference (see Col. 25, lines 8-11).

The "standard" setting state is predetermined on the PC side, and has nothing to do with the photographing information set on the camera side.

Further, page 5, lines 8-16 of the Office Action reads as follows: "...and set the first or second photographing mode in accordance with the selection by the selector (*after the above described step is complete, Fig. 23 "end" the process is followed back to Fig. 22, end of step S512, which goes back to the start of step S511. At this point, if the mode setting program is activated, the computer has control and if the mode setting program is not activated the flow goes back to Step S507, where the camera has control of itself. Therefore, after the reading information from the camera, the first or second mode is set in accordance with the selection means which*

*is activation of the mode setting program)."*

As set forth above, it is clear that it is **on the camera side** of Hirasawa that the selection unit is provided for switching between the mode where the camera serves as the master to control the camera, and the mode where the external apparatus (computer) serves as the master to control the camera. Accordingly, the external apparatus (PC) of Hirasawa neither includes nor suggests the novel arrangement claimed in the present application.

As mentioned above, Hirasawa neither teaches nor suggest the principal constitutions of the present application is set forth in claim 1. Based on these differences, the present invention has the prominent and patentable effects over Hirasawa as mentioned above.

Claim 3 which depends from claim 1, is deemed to be patentable for the same reasons set forth above regarding claim 1.

With respect to claim 4, page 6, line 17 to page 7, line 1 of the Office Action states: "...wherein the photographing based on the photographing conditions set through the external apparatus operator, each time one photographing condition is set by the external apparatus operator, a picture is taken by the camera based on the photographing conditions including the set photographing condition (*Col. 25, lines 19-21*), image data obtained is transmitted from the camera to the external apparatus, and the image data is displayed through the display unit (*as previously*

*addressed).*"

It is submitted that Col. 25, lines 19-21 of Hirasawa is limited to describing: "This process becomes necessary when an image is again photographed under the photographing condition set at Step S547 and this photographing condition is desired to be changed again," and does not teach or even suggest that each time one photographing condition is set by the external apparatus, a picture is taken. Hirasawa neither describes nor suggests that each time one photographing condition is set by the external apparatus, the image data obtained is transmitted from the camera to the external apparatus, and the image data is displayed through the display unit.

Claim 4 has been amended to more clearly define the claimed subject matter to recite: "...in photographing based on the photographing conditions set through the external apparatus operator, each time one photographing condition is set by the external apparatus operator, a picture is automatically taken by the camera based on the photographing conditions including the set photographing condition, image data obtained is transmitted from the camera to the external apparatus, and the image data is displayed through the display unit."

Amended claim 4 has a prominent effect as follows: "Further, as for the change of the photographing conditions, each time one photographing condition item is changed, a picture is automatically taken on the basis of the update setting

including the changed photographing condition and an obtained image is displayed as a preview image. Accordingly, what image is obtained according to the setting can be immediately grasped (i.e., "viewed"). Thus, the proper setting can be easily made in a short time (see paragraph [0073], page 13 of the present application)."

Regarding claim 5, page 7, lines 10-16 of the Office Action states: "...wherein just after the start of camera control through the external apparatus, when a selection between a first photographing mode, in which the camera serves as a master to photograph, and a second photographing mode, in which the external apparatus serves as a master and controls the camera to photograph, is performed under the control of the external apparatus to set the second photographing mode (*as previously addressed with claim 1 referencing Fig. 22 mode setting activation step S511*)."

It is submitted that Hirasawa lacks the features recited in claim 4 for the same reasons set forth above in distinguishing claim 1 over Hirasawa.

Further, page 7, lines 16-22 of the Office Action states: "...photographing information set in the camera is transmitted to the external apparatus in response to a request sent from the external apparatus (*during the second photographing mode where the computer is the master, photographing information set in the camera is transmitted to the computer as previously addressed with claim 1 with reference to Fig. 28, this is done in response to activation of Fig. 25 reference number 606 the*

*camera setting button which in turn requests photographing information such as hue and color density from the camera).*"

For the same reasons set forth above regarding claim 1, Hirasawa neither teaches nor suggests that photographing information set on the camera side is transmitted to the external apparatus (PC).

Furthermore, page 7, line 22 to page 8, line 2 of the Office Action states: "...and, a picture is taken in one of the first photographing mode and the second photographing mode under control of the external apparatus (*as previously addressed with claim 1*)."

For the same reasons set forth above regarding claim 1, Hirasawa neither teaches nor suggests the subject matter set forth in claim 5.

Claim 7 depends from claim 5 and is deemed patentable for the same reasons as mentioned above regarding claim 5.

With regard to claim 8, page 8, line 18 to page 9, line 1 of the Office Action states: "...wherein in photographing based on the photographing condition received from the external apparatus, each time one photographing condition is received from the external apparatus, a picture is taken based on the received photographing condition, and image data obtained by photographing is transmitted to the external apparatus (*as previously addressed with claim 1*)."

However, for the same reasons set forth regarding claim 4, there is no

teaching or suggestion in Hirasawa that each time one photographing condition is received from the external apparatus, a picture is taken. Hirasawa neither teaches nor describes that each time one photographing condition is received from the external apparatus, image data is transmitted to the external apparatus.

Claim 9 recites limitations similar to those set forth in claim 1. Hirasawa does not teach or suggest "an external apparatus communicator" and "a controller" and for these reasons, claim 9 is submitted to patentably distinguish over Hirasawa.

Claims 11 and 12 depend from claim 9 and are deemed patentable for the same reasons set forth regarding claim 9.

Regarding amended claim 13, for the same reasons as mentioned with regard to claim 4, Hirasawa does not teach: "...when a picture is taken through the camera based on the photographing conditions set through the external apparatus operator, each time one photographing condition is set by the external apparatus operator, a picture is automatically taken by the camera based on photographing conditions including the set photographing condition, image data obtained by photographing is received, and the received image data is displayed by the display unit," and it is submitted that claim 13 is patentable over Hirasawa for these reasons.

Claim 18 is a method claim which recites the steps performed by the apparatus set forth in claim 1. For the reasons set forth regarding claim 1, claim 18

is submitted to be patentable over Hirasawa.

Claim 19 depends from claim 18 and is deemed to be patentable over Hirasawa for the same reasons set forth regarding claim 18.

Claims 2, 6 and 10 have been rejected under 35 U.S.C. §103 as obvious over Hirasawa. This rejection is respectfully traversed.

Claims 2, 6 and 10 respectively depend from claims 1, 5 and 9 and are patentable over Hirasawa which lacks the features recited in claims 1, 5 and 9. In addition, it is submitted that the only motivation for the Examiner's assumptions set forth in paragraph 5, page 11 of the Office Action is derived from the teachings of the present application and not from Hirasawa, especially in view of the fact that the camera sends the image to the PC in the first mode of the present invention whereas Hirasawa teaches the external apparatus requesting the camera to send the image. See Col. 5, lines 11-17 of Hirasawa.

In view of the foregoing, it is submitted that claims 1-13, 18 and 19 patentably distinguish over the art of record and reconsideration and allowance of these claims are earnestly solicited.

**Applicant:** Oura et al.  
**Application No.:** 10/725,230

**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-13, 18 and 19, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Oura et al.

By \_\_\_\_\_

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